EXHIBIT A

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Counsel for Defendant Meta Platforms, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD KADREY, et al.,	Case No. 3:23-cv-03417-VC
Individual and Representative Plaintiffs,	**DEFENDANT META PLATFORMS, INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION**
v.	
META PLATFORMS, INC., a Delaware corporation;	Trial Date: None
Defendant.	Date Action Filed: July 7, 2023

1   Meta objects to this Request to the extent that it implies that Meta is responsible for having

2 "assembl[ed]" the Gutenberg dataset.

3   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

4 needs of the case to the extent that it seeks "all" documents and communications concerning the

5 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs'

6 copyright infringement allegations and Meta's defenses thereto.

7   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

8 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce, or, if

9 technically infeasible or impractical to produce, identify public sources of or permit inspection of

10 a copy of the "Gutenberg" dataset referenced in the paper "LLaMA: Open and Efficient Foundation

11 Language Models." Meta will also conduct a reasonable search for and produce non-privileged,

12 relevant documents, if any, in its possession, custody, or control concerning the selection of said

13 dataset for use in training any Meta Language Models (as construed above). Following the

14 identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to

15 be used to search for email and electronic communications, and subject to the foregoing objections

16 as well as Meta's objections to said custodians and search terms, Meta will also search for and

17 produce non-privileged, relevant communications responsive to this Request, if any, in accordance

18 with the limitations set forth in the ESI Order. Any such production shall be on a rolling basis, and

19 the timing of any such production shall be governed by terms of the Scheduling Order (ECF No.

20 87).

21 **REQUEST FOR PRODUCTION NO. 6:**

22   Documents and Communications to, from, or with Project Gutenberg Concerning Training

23 Data.

24 **RESPONSE TO REQUEST NO. 6:**

25   Meta incorporates by reference its objections and definitions above, including to the terms

26 "Training Data" and "Communications." Any electronic communications, including email and

27 documents attached thereto, must be requested pursuant to the ESI Order.

28

1   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

2 Communications to, from, or with" to the extent it is seeking materials other than those governed

3 by the procedure for requesting email and electronic communications under the ESI Order, and

4 Meta interprets the Request as seeking such email and electronic communications and Documents

5 attached thereto. This Request is also vague and ambiguous as to the term "Project Gutenberg,"

6 which is undefined. In the context of this Request, Meta will construe this phrase to mean the

7 organization referenced here: https://www.gutenberg.org/.

8   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

9 needs of the case to the extent that it is interpreted to seek all documents and communications

10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

11 and disproportionate to the needs of the case to the extent it seeks documents and communications

12 in the possession, custody, or control of, and/or concerns a third-party.

13   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

14 Protective Order and ESI Order, following the identification of appropriate search terms and

15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic

16 communications, and subject to the foregoing objections as well as Meta's objections to said

17 custodians and search terms, Meta will search for and produce non-privileged, relevant

18 communications responsive to this Request, if any, in accordance with the limitations set forth in

19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such

20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION NO. 7:**

22   Documents and Communications to, from, or with Library Genesis (aka LibGen)

23 Concerning Training Data.

24 **RESPONSE TO REQUEST NO. 7:**

25   Meta incorporates by reference its objections and definitions above, including to the terms

26 "Training Data" and "Communications." Any electronic communications, including email and

27 documents attached thereto, must be requested pursuant to the ESI Order.

28

Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and Communications to, from, or with" to the extent it is seeking materials other than those governed by the procedure for requesting email and electronic communications under the ESI Order, and Meta interprets the Request as seeking such email and electronic communications and Documents attached thereto. This Request is also vague and ambiguous as to the term "Library Genesis," which is undefined. In the context of this Request, Meta will construe this phrase to mean the organization referenced here: http://libgen.li/.

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it is interpreted to seek all documents and communications concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it seeks documents and communications in the possession, custody, or control of, and/or concerns a third-party.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, following the identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic communications, and subject to the foregoing objections as well as Meta's objections to said custodians and search terms, Meta will search for and produce non-privileged, relevant communications responsive to this Request, if any, in accordance with the limitations set forth in the ESI Order. Any such production shall be on a rolling basis, and the timing of any such production shall be governed by terms of the Scheduling Order (ECF No. 87).

REQUEST FOR PRODUCTION NO. 8:

Documents and Communications to, from, or with Z-Library (aka B-ok) Concerning Training Data.

RESPONSE TO REQUEST NO. 8:

Meta incorporates by reference its objections and definitions above, including to the terms "Training Data" and "Communications." Any electronic communications, including email and documents attached thereto, must be requested pursuant to the ESI Order.

1   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

2   Communications to, from, or with" to the extent it is seeking materials other than those governed

3   by the procedure for requesting email and electronic communications under the ESI Order, and

4   Meta interprets the Request as seeking such email and electronic communications and Documents

5   attached thereto. This Request is also vague and ambiguous as to the term "Z-Library," which is

6   undefined. In the context of this Request, Meta will construe this phrase to mean the organization

7   referenced here: https://z-lib.io/.

8   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

9   needs of the case to the extent that it is interpreted to seek all documents and communications

10   concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

11   and disproportionate to the needs of the case to the extent it seeks documents and communications

12   in the possession, custody, or control of, and/or concerns a third-party.

13   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

14   Protective Order and ESI Order, following the identification of appropriate search terms and

15   custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic

16   communications, and subject to the foregoing objections as well as Meta's objections to said

17   custodians and search terms, Meta will search for and produce non-privileged, relevant

18   communications responsive to this Request, if any, in accordance with the limitations set forth in

19   the ESI Order. Any such production shall be on a rolling basis, and the timing of any such

20   production shall be governed by terms of the Scheduling Order (ECF No. 87).

21   **REQUEST FOR PRODUCTION NO. 9:**

22   Documents and Communications to, from, or with Sci-Hub Concerning Training Data.

23   **RESPONSE TO REQUEST NO. 9:**

24   Meta incorporates by reference its objections and definitions above, including to the terms

25   "Training Data" and "Communications." Any electronic communications, including email and

26   documents attached thereto, must be requested pursuant to the ESI Order.

27   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

28   Communications to, from, or with" to the extent it is seeking materials other than those governed

1 by the procedure for requesting email and electronic communications under the ESI Order, and

2 Meta interprets the Request as seeking such email and electronic communications and Documents

3 attached thereto. This Request is also vague and ambiguous as to the term "Sci-Hub," which is

4 undefined. In the context of this Request, Meta will construe this phrase to mean the organization

5 referenced here: https://sci-hub.se/database.

6   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

7 needs of the case to the extent that it is interpreted to seek all documents and communications

8 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

9 and disproportionate to the needs of the case to the extent it seeks documents and communications

10 in the possession, custody, or control of, and/or concerns a third-party.

11   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

12 Protective Order and ESI Order, following the identification of appropriate search terms and

13 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic

14 communications, and subject to the foregoing objections as well as Meta's objections to said

15 custodians and search terms, Meta will search for and produce non-privileged, relevant

16 communications responsive to this Request, if any, in accordance with the limitations set forth in

17 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such

18 production shall be governed by terms of the Scheduling Order (ECF No. 87).

19 **REQUEST FOR PRODUCTION NO. 10:**

20   Documents and Communications to, from, or with Bibliotik Concerning Training Data.

21 **RESPONSE TO REQUEST NO. 10:**

22   Meta incorporates by reference its objections and definitions above, including to the terms

23 "Training Data" and "Communications." Any electronic communications, including email and

24 documents attached thereto, must be requested pursuant to the ESI Order.

25   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

26 Communications to, from, or with" to the extent it is seeking materials other than those governed

27 by the procedure for requesting email and electronic communications under the ESI Order, and

28 Meta interprets the Request as seeking such email and electronic communications and Documents

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1   attached thereto. This Request is also vague and ambiguous as to the term "Bibliotik," which is

2   undefined. Furthermore, the Request is vague, ambiguous, and unintelligible as to "Documents

3   and Communications to, from, or with Bibliotik," which Meta understands to be the name of a

4   dataset rather than an individual, group, business, or organization.

5   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

6   needs of the case to the extent that it is interpreted to seek all documents and communications

7   concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

8   and disproportionate to the needs of the case to the extent it seeks documents and communications

9   in the possession, custody, or control of, and/or concerns what Plaintiffs appear to believe is third-

10 party.

11 **REQUEST FOR PRODUCTION NO. 11:**

12   Documents and Communications to, from, or with The Eye Concerning Training Data.

13 **RESPONSE TO REQUEST NO. 11:**

14   Meta incorporates by reference its objections and definitions above, including to the terms

15 "Training Data" and "Communications." Any electronic communications, including email and

16 documents attached thereto, must be requested pursuant to the ESI Order.

17   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

18 Communications to, from, or with" to the extent it is seeking materials other than those governed

19 by the procedure for requesting email and electronic communications under the ESI Order, and

20 Meta interprets the Request as seeking such email and electronic communications and Documents

21 attached thereto. This Request is also vague and ambiguous as to the term "The Eye," which is

22 undefined. In the context of this Request, Meta will construe this phrase to mean the organization

23 referenced here: https://the-eye.eu/.

24   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

25 needs of the case to the extent that it is interpreted to seek all documents and communications

26 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

27 and disproportionate to the needs of the case to the extent it seeks documents and communications

28 in the possession, custody, or control of, and/or concerns a third-party.

1   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

2   Protective Order and ESI Order, following the identification of appropriate search terms and

3   custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic

4   communications, and subject to the foregoing objections as well as Meta's objections to said

5   custodians and search terms, Meta will search for and produce non-privileged, relevant

6   communications responsive to this Request, if any, in accordance with the limitations set forth in

7   the ESI Order. Any such production shall be on a rolling basis, and the timing of any such

8   production shall be governed by terms of the Scheduling Order (ECF No. 87).

9   **REQUEST FOR PRODUCTION NO. 12:**

10   Documents and Communications to, from, or with Anna's Archive Concerning Training

11   Data.

12   **RESPONSE TO REQUEST NO. 12:**

13   Meta incorporates by reference its objections and definitions above, including to the terms

14   "Training Data" and "Communications." Any electronic communications, including email and

15   documents attached thereto, must be requested pursuant to the ESI Order.

16   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

17   Communications to, from, or with" to the extent it is seeking materials other than those governed

18   by the procedure for requesting email and electronic communications under the ESI Order, and

19   Meta interprets the Request as seeking such email and electronic communications and Documents

20   attached thereto. This Request is also vague and ambiguous as to the term "Anna's Archive," which

21   is undefined. In the context of this Request, Meta will construe this phrase to mean the organization

22   referenced here: https://annas-archive.org/.

23   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

24   needs of the case to the extent that it is interpreted to seek all documents and communications

25   concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,

26   and disproportionate to the needs of the case to the extent it seeks documents and communications

27   in the possession, custody, or control of, and/or concerns a third-party.

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1   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

2 Protective Order and ESI Order, following the identification of appropriate search terms and

3 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic

4 communications, and subject to the foregoing objections as well as Meta's objections to said

5 custodians and search terms, Meta will search for and produce non-privileged, relevant

6 communications responsive to this Request, if any, in accordance with the limitations set forth in

7 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such

8 production shall be governed by terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 13:**

10   Documents and Communications to, from, or with Hugo Touvron Concerning Training

11 Data.

12 **RESPONSE TO REQUEST NO. 13:**

13   Meta incorporates by reference its objections and definitions above, including to the terms

14 "Training Data" and "Communications." Any electronic communications, including email and

15 documents attached thereto, must be requested pursuant to the ESI Order.

16   Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and

17 Communications to, from, or with" to the extent it is seeking materials other than those governed

18 by the procedure for requesting email and electronic communications under the ESI Order, and

19 Meta interprets the Request as seeking such email and electronic communications and Documents

20 attached thereto.

21   Meta objects to this Request because, on its face, it does not exclude documents and

22 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or

23 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such

24 documents will not be produced.

25   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

26 needs of the case to the extent that it is interpreted to seek all documents and communications

27 concerning the subject matter of the Request, including documents with limited, if any, relevance

28 to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

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15 *Counsel for Defendant Meta Platforms, Inc.*

16   **UNITED STATES DISTRICT COURT**

17   **NORTHERN DISTRICT OF CALIFORNIA**

18   **SAN FRANCISCO DIVISION**

19 RICHARD KADREY, *et al.*,   Case No. 3:23-cv-03417-VC

20 Individual and Representative

21   Plaintiffs,   **DEFENDANT META PLATFORMS, INC.'S
                                                OBJECTIONS AND RESPONSES TO
22   v.   PLAINTIFFS' FIFTH SET OF REQUESTS FOR
                                                PRODUCTION**
23 META PLATFORMS, INC., a Delaware
24 corporation;

25   Defendant.

26

27

28

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PLTF'S FIFTH SET OF RFPS
3:23-CV-03417-VC

1   Meta objects to this Request to the extent it seeks information that is not relevant to any

2   party's claims or defenses.

3   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

4   Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-

5   privileged, responsive documents in its possession, custody, or control, if any, concerning Hugging

6   Face's involvement, if any, in the dissemination of Books3.

7   **REQUEST FOR PRODUCTION NO. 85:**

8   All Documents and Communications related to the decision to use Torrent Systems to

9   acquire data for training Llama Models.

10   **RESPONSE TO REQUEST NO. 85:**

11   Meta incorporates by reference its objections and definitions above. Any electronic

12   communications, including emails and documents attached thereto, will only be produced pursuant

13   to and in accordance with the ESI Order.

14   Meta objects to this Request because, on its face, it does not exclude documents and

15   communications exchanged with or at the direction of Meta's attorneys concerning legal advice or

16   opinions, which are subject to attorney-client privilege and/or attorney work product

17   doctrine. Such documents will not be produced.

18   Meta objects to this Request as vague and ambiguous as to the terms "decision to use" and

19   "acquire data." Meta construes this Request as seeking documents related to any decision by Meta

20   to use data accessed through Torrent Systems (as construed above) for training Llama Models (as

21   construed above).

22   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

23   needs of the case to the extent that it seeks all documents and communications concerning the

24   subject matter of the Request, including documents and communications with limited, if any,

25   relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

26   Meta objects to this Request to the extent it seeks information that is not relevant to any

27   party's claims or defenses.

28   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

1   Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-

2   privileged, responsive documents in its possession, custody, or control, if any, concerning any

3   decision by Meta to use Torrent Systems (as construed above) to acquire data for training the Llama

4   Models (as construed above).

5   **REQUEST FOR PRODUCTION NO. 86:**

6   All Documents and Communications related to the decision to use books for long-range

7   context modeling research.

8   **RESPONSE TO REQUEST NO. 86:**

9   Meta incorporates by reference its objections and definitions above. Any electronic

10   communications, including emails and documents attached thereto, will only be produced pursuant

11   to and in accordance with the ESI Order.

12   Meta objects to this Request because, on its face, it does not exclude documents and

13   communications exchanged with or at the direction of Meta's attorneys concerning legal advice or

14   opinions, which are subject to attorney-client privilege and/or attorney work product

15   doctrine. Such documents will not be produced.

16   Meta objects to this Request on the ground that it assumes that Meta used books for long-

17   range context research.

18   Meta objects to this Request as vague and ambiguous as to the terms "decision," which is

19   non-specific as to the purported decisionmaker at issue, and "use of books," which is not limited in

20   time or scope or to particular LLMs. Meta construes this Request as seeking documents concerning

21   Meta's decision, if any, to use books as training data for long-range context research related to the

22   Llama Models (as construed above).

23   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

24   needs of the case to the extent that it seeks all documents and communications concerning the

25   subject matter of the Request, including documents and communications with limited, if any,

26   relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

27   Meta objects to this Request to the extent it seeks information that is not relevant to any

28   party's claims or defenses.

1   Meta objects to this Request as vague, ambiguous, and indefinite as to "copyrighted

2   material," as the Request does not identify any and Meta is not in a position to know whether any

3   particular work is subject to copyright protection. Meta construes this Request as seeking

4   documents concerning Meta's training data memorization mitigations for the Llama Models (as

5   construed above).

6   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

7   needs of the case to the extent that it seeks all documents and communications, including source

8   code, concerning the subject matter of the Request, including documents and communications with

9   limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses

10   thereto.

11   Meta objects to this Request to the extent it seeks information that is not relevant to any

12   party's claims or defenses.

13   Meta objects to this Request as duplicative of other Requests, including Request No. 116.

14   Meta objects to this Request to the extent that Meta has already searched for and produced

15   documents responsive to this Request, which overlaps with prior Requests.

16   Subject to and without waiving the foregoing objections, and pursuant to the terms of the

17   Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-

18   privileged, responsive documents in its possession, custody, or control, if any, sufficient to show

19   Meta's training data memorization mitigations for the Llama Models (as construed above).

20   **REQUEST FOR PRODUCTION NO. 119:**

21   All Documents and Communications, including source code, relating to the processing of

22   copyrighted material used in training Llama Models, including storage and deletion of copyrighted

23   material.

24   **RESPONSE TO REQUEST NO. 119:**

25   Meta incorporates by reference its objections and definitions above. Any electronic

26   communications, including emails and documents attached thereto, will only be produced pursuant

27   to and in accordance with the ESI Order.

28   Meta objects to this Request because, on its face, it does not exclude documents and

1   communications exchanged with or at the direction of Meta's attorneys concerning legal advice or

2   opinions, which are subject to attorney-client privilege and/or attorney work product

3   doctrine. Such documents will not be produced.

4   Meta objects to this Request as vague, ambiguous, and indefinite as to "copyrighted

5   material," as the Request does not identify any and Meta is not in a position to know whether any

6   particular training data is protected by copyright. Meta also objects to this Request on the ground

7   that it presupposes that there are documents related to the processing, storage, and deletion of

8   copyrighted material separate and apart from other training data.

9   Meta objects to this Request as duplicative of other Requests.

10   Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

11   needs of the case to the extent that it seeks all documents and communications concerning the

12   subject matter of the Request, including documents and communications, including source code,

13   with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses

14   thereto.

15   Meta objects to this Request to the extent it seeks information that is not relevant to any

16   party's claims or defenses.

17   Meta objects to this Request as duplicative of other Requests, including Request Nos. 116

18   and 118.

19   Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of

20   this Request.

21   **REQUEST FOR PRODUCTION NO. 120:**

22   All Documents and Communications, including source code, relating to actual or

23   contemplated source code changes within Llama Models, including source code "commits" and

24   "pull requests."

25   **RESPONSE TO REQUEST NO. 120:**

26   Meta incorporates by reference its objections and definitions above. Any electronic

27   communications, including emails and documents attached thereto, will only be produced pursuant

28   to and in accordance with the ESI Order.